



Variance Application

(A Pre-submittal conference must be held prior to submission)

City-County Development Services Center

Planning

101 City Hall Plaza, Durham, NC 27707 | <https://dsc.durhamnc.gov> | 919-560-4137

Submittal: Applications are accepted **by appointment only** and are available online at: <http://dsc.durhamnc.gov/174/Permits-and-forms>. Application submittals must be made in-person and fees are due at time of submittal. **ONLY COMPLETE APPLICATIONS CAN BE ACCEPTED.**

Variances are heard by the Board of Adjustment as a quasi-judicial public hearing. The application is a form of written testimony and is used to provide evidence that the required findings for approval can be made. In addition to the application materials, the applicant may provide any other written, drawn or photographed material to support his/her request and as permitted by the Board of Adjustment. Any such additional material submitted will become part of the application, and as such cannot be returned.

Attendance at the hearing is required. Applicants may represent themselves or may be represented by someone appropriate for quasi-judicial public hearings. The applicant has the **burden of proof** and must provide sufficient evidence in order for the required findings to be made. The public hearing will allow the applicant, proponents, opponents and anyone else the opportunity to speak and ask questions in regards to the request. An application may be approved, approved with conditions, continued for more information, or denied. **Decisions can be appealed to Superior Court within 30 days.**

Tracking Information (Staff Only)

Case Number:	Date/Time rec'd:	Rec'd by:
--------------	------------------	-----------

Application Requirements	Applicant Initial	Staff Initial
Record of the pre-submittal meeting (copies provided at the meeting)		
Fee		
Completed application and responses: ORIGINAL signatures required		
Submitted Site Plan (Digital and 11x17), if required, or Plot Plan		
Responses to general findings and review factors: Section 3.14.8 of the UDO		
Floorplan, as applicable		
Elevations, as applicable		

Note: Additional supporting documents may also be submitted

Property Information

Site Address:	Site size (in acres):
Zoning District(s) :	PIN(s):
Zoning Overlay District(s):	PID(s):
Development Tier:	<input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Both

Property Owner

Name(s) (Print):	Phone:
Contact Person:	Email:
<hr/>	
Owner Signature	Date

Applicant Information

Name(s):	
Contact Person:	Phone:
Address:	Fax:
City/State/ZIP:	Email:
<i>I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.</i>	
<hr/>	
Applicant Signature	Date

Agent (if different than applicant)

Name:	
Contact Person's Mailing Address:	Phone:
Address:	Fax:
City/State/ZIP:	Email:

Complete and respond to the following with an attachment (suggested), or in the space provided:

Burden of Proof: The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below, as well as the burden of persuasion on those issues.

Ordinance provision(s) from which a variance is requested:

This is what I want to do:

Ordinance provisions require:

I, _____, hereby petition the Durham Board of Adjustment for a Variance from the literal provisions cited above to allow use of the property as described on this form and in material submitted with this request.

Section 3.14.8 of the Unified Development Ordinance (UDO) calls out the following "Findings" which the Board of Adjustment must make in granting any variance:

1. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

Applicant's Response:

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

Applicant's Response:

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify granting a variance shall not be regarded as a self-created hardship.

Applicant's Response:

4. The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice achieved.

Applicant's Response: